

***Blank Page***

**FILE COPY**

FILED  
JUL 22 1940  
CHARLES ELMORE COOPLEY  
CLERK

**SUPREME COURT OF THE UNITED STATES**

**OCTOBER TERM, 1940**

**No. 269**

**PANHANDLE EASTERN PIPE LINE COMPANY,**

*Appellant,*

*vs.*

**THE UNITED STATES OF AMERICA, COLUMBIA  
GAS & ELECTRIC CORPORATION, COLUMBIA OIL  
& GASOLINE CORPORATION, ET AL.**

**APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR  
THE DISTRICT OF DELAWARE.**

**STATEMENT AS TO JURISDICTION.**

**ARTHUR G. LOGAN,**  
*Counsel for Appellant.*

**LOGAN & DUFFY,  
ROBERT J. BULKLEY,  
RUSSELL HARDY,**

*Of Counsel.*

***Blank Page***

## INDEX.

### SUBJECT INDEX.

	Page
Statement as to jurisdiction .....	1
Statutory provisions sustaining jurisdiction .....	2
Cases believed to sustain jurisdiction .....	2
Nature of the case and rulings below .....	2
Reference to opinions .....	3
Date of decree and application for appeal .....	4

### TABLE OF CASES CITED.

<i>Missouri-Kansas Pipe Line Company v. Columbia Gas &amp; Electric Corporation, — U. S. —, 84 L. Ed. 739</i>	2
<i>United States v. California Co-operative Canneries, 279 U. S. 553, 73 L. Ed. 838</i>	2

### STATUTES CITED.

United States Code Annotated, Title 15, Sections 28 and 29; February 11, 1903, c. 544, Sec. 2, 32 Stat. 823; March 3, 1911, c. 231, Sec. 291, 36 Stat. 1167	2
---	---

***Blank Page***

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1940

---

No. 269

---

PANHANDLE EASTERN PIPE LINE COMPANY,  
*Appellant,*  
*vs.*

THE UNITED STATES OF AMERICA, COLUMBIA  
GAS & ELECTRIC CORPORATION, COLUMBIA OIL  
& GASOLINE CORPORATION, ET AL.

---

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR  
THE DISTRICT OF DELAWARE.

---

**PANHANDLE EASTERN PIPE LINE COMPANY'S  
JURISDICTIONAL STATEMENT.**

(Filed June 14, 1940.)

---

Now comes Panhandle Eastern Pipe Line Company, petitioner in the above-entitled cause, appellant, and, for its jurisdictional statement in support of its Petition for Appeal filed herewith, shows as follows:

(a) The decree was rendered in a suit in equity brought under the anti-trust laws by the United States. The decree

of the District Court appealed from denied Panhandle Eastern Pipe Line Company leave to file its application (intervene) and to become a party to the cause for the purpose of enforcing certain rights.

The statute under which the jurisdiction of the Supreme Court is invoked is 15 U. S. C. A. § 29; Feb. 11, 1903, c. 544, § 2, 32 Stat. 823; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167, which is known as the "Expediting Act" and which reads:

"SEC. 29. *Appeals to Supreme Court.* In every suit in equity brought in any district court of the United States, under any of the laws mentioned in the preceding section,\* wherein the United States is complainant, an appeal from the final decree of the district court will lie only to the Supreme Court and must be taken within sixty days from the entry thereof. (Feb. 11, 1903, c. 544, § 2, 32 Stat. 823; Mar. 3, 1911, c. 231, § 291, 36 Stat. 1167.)"

(b) The following cases are believed to sustain jurisdiction:

*Missouri-Kansas Pipe Line Company, Petitioner, v. Columbia Gas & Electric Corporation, et al.*, 110 F. (2d) 15, Cert. den. — U. S. —, 84 L. Ed. 739 (Advance Sheets #13) Causes #748 and #749;

*United States v. California Co-operative Canneries*, 279 U. S. 553, 73 L. Ed. 838.

The case of *Missouri-Kansas Pipe Line Company, supra*, has resolved the identical question here presented, in that the petitioner therein, Missouri-Kansas Pipe Line Company, at two earlier periods sought leave to intervene in this identical cause. At such times the District Court denied the applications to intervene as it subsequently denied the in-

---

\* The preceding section, namely, Section 28, deals with equitable anti-trust suits in which the United States is complainant under the Anti-Trust Laws.



stant application, which denial is the subject matter of the instant appeal. Appeals were taken from the earlier denials to the Circuit Court of Appeals. The Circuit Court of Appeals for the Third Circuit in the case above referred to and reported as aforesaid at 110 F. (2d) 15, held that the denials of the applications to intervene could not become the subject of an appeal to the Circuit Court of Appeals because under the provisions of the so-called "Expediting Act" that court had no jurisdiction to entertain such appeals, and that the only jurisdiction was in the Supreme Court of the United States. As we now have an appeal from an identical order such as that which the circuit court held is reviewable only by the Supreme Court of the United States, and as said decision of the circuit court was not reviewed upon the application of Missouri-Kansas Pipe Line Company for writs of certiorari, we submit that the decision of the circuit court resolves the question of jurisdiction here presented.

(c) \* There is appended hereto a copy of an opinion delivered on March 29, 1939, in this cause on the first occasion when Missouri-Kansas Pipe Line Company sought to intervene in the cause. No opinion was delivered on the second and third occasions when Missouri-Kansas Pipe Line Company sought to intervene. There is also appended hereto a copy of an opinion delivered on April 6, 1940, in this cause on the occasion when Panhandle Eastern Pipe Line Company sought to intervene in the cause. The opinion of April 6, 1940, appended hereto states the grounds upon which the Court acted in denying the instant application.

---

\* These opinions are printed as exhibits to the jurisdictional statement in the companion case of Missouri-Kansas Pipe Line Company v. U. S. et al., No. 268, October Term, 1940, and are not reprinted as exhibits to this jurisdictional statement.



(d) The date of the decree sought to be reviewed is April 23, 1940. The date upon which the petition for appeal was presented is June 14, 1940.

Respectfully submitted,

(Sgd.)

ARTHUR G. LOGAN,  
LOGAN AND DUFFY,  
*Attorneys for Petitioner-Appellant,*  
*303 Delaware Trust Building,*  
*Wilmington, Delaware.*

ROBERT J. BULKLEY,  
*Bulkley Building,*  
*Cleveland, Ohio;*

RUSSELL HARDY,  
*729 Fifteenth Street,*  
*Washington, D. C.;*

ARTHUR G. LOGAN,  
*Delaware Trust Building,*  
*Wilmington, Delaware;*  
*Of Counsel.*

(8983)

***Blank Page***